

7-1-1006 Inapplicable to certain official investigations.

- (1) Sections 7-1-1002 and 7-1-1003 do not apply if an examination of a record is a part of an official investigation by:
 - (a) local police;
 - (b) a sheriff;
 - (c) a peace officer;
 - (d) a city attorney;
 - (e) a county attorney;
 - (f) a district attorney;
 - (g) the attorney general;
 - (h) the Department of Public Safety;
 - (i) the Office of Recovery Services of the Department of Human Services;
 - (j) the Insurance Department;
 - (k) the Department of Commerce;
 - (l) the Benefit Payment Control Unit or the Payment Error Prevention Unit of the Department of Workforce Services;
 - (m) the state auditor;
 - (n) the State Tax Commission; or
 - (o) the Department of Health or its designee, when undertaking an official investigation to determine whether an individual qualifies for certain assistance programs as provided in Section 26-18-2.5.
- (2) Except for the Office of Recovery Services, if a governmental entity listed in Subsection (1) seeks a record, the entity shall obtain the record as follows:
 - (a) if the record is a nonprotected record, by request in writing that:
 - (i) certifies that an official investigation is being conducted; and
 - (ii) is signed by a representative of the governmental entity that is conducting the official investigation; or
 - (b) if the record is a protected record, by obtaining:
 - (i) a subpoena authorized by statute;
 - (ii) other legal process:
 - (A) ordered by a court of competent jurisdiction; and
 - (B) served upon the financial institution; or
 - (iii) written permission from all account holders of the account referenced in the record to be examined.
- (3) If the Office of Recovery Services seeks a record, the Office of Recovery Services shall obtain the record pursuant to:
 - (a) Subsection 62A-11-104(1)(g);
 - (b) Section 62A-11-304.1;
 - (c) Section 62A-11-304.5; or
 - (d) Title IV, Part D of the Social Security Act as codified in 42 U.S.C. 651 et seq.
- (4) A financial institution may not give notice to an account holder or person named or referenced within the record disclosed pursuant to Subsection (2)(a).
- (5) In accordance with Section 7-1-1004, the governmental entity conducting the official investigation that obtains a record from a financial institution under this section shall reimburse the financial institution for costs reasonably and directly incurred by the financial institution.

Amended by Chapter 344, 2011 General Session